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INTERIM DIRECTOR

## County of San Diego

### DEPARTMENT OF PLANNING AND LAND USE

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### MITIGATED NEGATIVE DECLARATION

August 14, 2008

Project Name: North Jamul Wireless Telecommunications Facility

Project Number(s): MUP04-043, ER 04-19-019

**This Document is Considered Draft Until it is Adopted by the Appropriate  
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
  - b. Environmental Analysis Form and attached extended studies for Biological Resources and Stormwater
1. California Environmental Quality Act Mitigated Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

A. TRANSPORTATION

1. The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.

B. BIOLOGICAL RESOURCES

1. Prior to obtaining any building or other permit pursuant to this Major Use Permit, and prior to commencement of construction or use of the property in reliance on this Major Use Permit, the applicant shall:
  - a. Provide evidence to the satisfaction of the Director of Planning and Land that 0.4 acres of chaparral habitat or other Tier III habitat credit or higher have been secured in a mitigation bank approved by the California Department of Fish & Game, located the Multiple Species Conservation Program (MSCP). Evidence of purchase shall include the following information to be provided by the mitigation bank:  
**[DPLU, FEE X2]**
    1. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
    2. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
    3. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
    4. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

**-OR-**

Provide for the conservation and habitat management of a minimum of 0.4 acres of chaparral habitat located within the MSCP

in an area designated as PAMA or meeting the definition of a BRCA. A Resource Management Plan (RMP) for the chaparral habitat must be submitted and approved by the Director of the Department of Planning and Land Use. An open space easement over the acquired habitat must be dedicated to the County of San Diego prior to or immediately following the approval of the RMP. Alternatively, proof that a federal, state or local government agency with the primary mission of resource management has taken fee title to the land will be accepted in lieu of an easement.

- b. Provide evidence to the satisfaction of the Director of Planning and Land that 0.1 acres of flat topped buckwheat habitat or other Tier II habitat credit or higher have been secured in a mitigation bank approved by the California Department of Fish & Game, located the Multiple Species Conservation Program (MSCP). Evidence of purchase shall include the following information to be provided by the mitigation bank:

**[DPLU, FEE X2]**

1. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
2. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
3. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
4. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

**-OR-**

Provide for the conservation and habitat management of a minimum of 0.1 acres of Flat-topped Buckwheat habitat located within the MSCP in an area designated as PAMA or meeting the definition of a BRCA. A Resource Management Plan (RMP) for the flat- topped buckwheat habitat must be submitted and approved by the Director of the Department of Planning and Land Use. An open space easement over the acquired habitat must be dedicated to the County of San Diego prior to or immediately following the approval of the RMP. Alternatively, proof that a federal, state or local

government agency with the primary mission of resource management has taken fee title to the land will be accepted in lieu of an easement.

- c. Cause to be placed on grading and/ or improvement plans and on the Map, the following: "Restrict all brushing, clearing and/or grading such that none will be allowed within 300 feet of raptor nest locations during the breeding season, this is defined as occurring between January 1 and August 31. The Director of Planning and Land Use may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Game, that no nests are present in the vicinity of the brushing, clearing or grading."

#### C. CULTURAL RESOURCES

1. Prior to obtaining any building or other permit pursuant to this Major Use Permit, and prior to commencement of construction or use of the property in reliance on this Major Use Permit, the applicant shall:
  - a. Cause to be placed on grading and/or improvement plans and on the Map, the following: "Restrict all brushing, clearing and/or grading such that none will be allowed within 300 feet of raptor nest locations during the breeding season, this is defined as occurring between January 1 and August 31. The Director of Planning and Land Use may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Game, that no nests are present in the vicinity of the brushing, clearing or grading."
  - b. Implement a grading monitoring program to mitigate potential impacts to undiscovered buried archaeological resources on the Project site. The following conditions shall be implemented to the satisfaction of the Director of the Department of Planning and Land Use: **[DPLU, FEE X2]**
    1. Provide evidence that a County approved archaeologist ("Project Archaeologist") has been contracted to implement a grading monitoring and potential data recovery program which complies with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements, to the satisfaction of the Director of Planning and Land Use. Also, provide evidence that a Native American Monitor has been contracted to monitor grading, or evidence that no Native American Monitor was

available, in which case the Project Archaeologist shall perform that function.

2. The Contract shall include a cost estimate of the required monitoring; this estimate shall be submitted to the Director of Public Works and included in the Bond Cost Estimate for the required Grading.
- c. Provide evidence to the satisfaction of the Director of Public Works (DPW) or the Director of Planning and Land Use (DPLU) that the following "Specific Environmental Notes" have been placed on the grading and/or improvement plans:
  1. "The County approved Project Archaeologist, Native American Monitor, and the DPLU Permit Compliance Coordinator (PCC), shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the monitoring program." [DPLU, FEE]
  2. "The Project Archaeologist (and Native American Monitor, if contracted) shall monitor original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements."
  3. "During the original cutting of previously undisturbed deposits, the Project Archaeologist and Native American Monitor shall be onsite as determined necessary by the Project Archaeologist. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist in consultation with the Native American Monitor. Monitoring of cutting of previously disturbed deposits will be determined by the Project Archaeologist."
  4. "In the event that previously unidentified potentially significant cultural resources are discovered, the Project Archaeologist shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources. At the time of discovery, the Project Archaeologist shall contact the DPLU Staff Archaeologist. The Project Archaeologist, in consultation with the Staff Archaeologist, shall determine the significance of the discovered resources. Construction activities will be allowed to resume in the affected area only after the Staff Archaeologist has concurred with the evaluation. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared

by the Project Archaeologist and approved by the Staff Archaeologist, then carried out using professional archaeological methods.”

5. “If any human bones are discovered, the Project Archaeologist shall contact the County Coroner. If the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted by the Project Archaeologist in order to determine proper treatment and disposition of the remains.”
6. “The Project Archaeologist shall submit monthly status reports to the Director of Planning and Land Use starting from the date of the Notice to Proceed to termination of implementation of the grading monitoring program. The reports shall briefly summarize all activities during the period and the status of progress on overall plan implementation. Upon completion of the implementation phase, a final report shall be submitted describing the plan compliance procedures and site conditions before and after construction.” [DPLU, FEE]
7. “Prior to rough grading inspection sign-off for each phase, the Project Archaeologist shall provide evidence that the field grading monitoring activities have been completed. Evidence shall be in the form of a letter to the Director of the Department of Planning and Land Use.” [DPLU, FEE]
8. “Prior to Final Grading Release for each phase, submit to the satisfaction of the Director of Planning and Land Use, a final report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program. The report shall include the following:” [DPLU, FEE X2]
  - (i) “Department of Parks and Recreation Primary and Archaeological Site forms.”
  - (ii) “Evidence that all cultural resources collected during the grading monitoring program have been submitted to a San Diego curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that

archaeological materials have been received and that all fees have been paid.”

- (iii) “If no cultural resources are discovered, a brief letter to that effect and stating that the grading monitoring activities have been completed, shall be sent to the Director of Planning and Land Use by the Project Archaeologist.”

2. Prior to use of the premises pursuant to the Major Use Permit, the applicant shall complete the following requirements:
  - a. “Prior to Final Grading Release and prior to occupancy, for each phase of the project, submit to the satisfaction of the Director of Planning and Land Use, a final report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program. The report shall include the following:” [DPLU, FEE X2]
    1. Department of Parks and Recreation Primary and Archaeological Site forms.
    2. Evidence that all cultural resources collected during the grading monitoring program has been curated at a San Diego facility that meets federal standards per 36 CFR Part 79, and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to an appropriate curation facility in San Diego County, to be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.”
    3. If no cultural resources are discovered, a brief letter to that effect and stating that the grading monitoring activities have been completed, shall be sent to the Director of Planning and Land Use by the Project Archaeologist.

**ADOPTION STATEMENT:** This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

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on \_\_\_\_\_

Alyssa Maxson, Planning Manager  
Regulatory Planning Division

AM:ES